United Nations A/57/219

General Assembly

Distr.: General
17 July 2002
English
Original: Spanish

Fifty-seventh session
Item 25 of the provisional agenda*
Oceans and the law of the sea

Letter dated 17 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you, enclosed herewith, a communiqué dated 16 July 2002 (see annex), containing the protest note which the Minister for Foreign Affairs of the Republic of Honduras addressed to the Government of Nicaragua, concerning the announcement by the Nicaraguan Government that in the next few months it will auction off hydrocarbons leases throughout the national territory, including the Honduran maritime areas to which Nicaragua has formally laid claim following the filing of its complaint with the International Court of Justice on 8 December 1999.

I should be grateful if you would circulate this letter and its annex to the States Members of the United Nations as documents of the General Assembly.

(*Signed*) Marco Antonio **Suazo**
Ambassador
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 17 July 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Honduras to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, enclosed herewith, the protest note which I have addressed to the Government of Nicaragua on today's date (see appendix), concerning the announcement by competent authorities of that Government that in the next few months it would auction off hydrocarbons leases throughout the national territory, including the Honduran maritime areas to which Nicaragua has formally laid claim following the filing of its complaint with the International Court of Justice on 8 December 1999.

I hereby instruct you to have this protest note officially delivered to the Secretary-General of the United Nations, requesting that it be circulated to the Members of the Organization.

(*Signed*) Guillermo **Pérez-Cadalso Arias**
Secretary of State

Appendix

Note dated 16 July 2002 from the Minister for Foreign Affairs of Honduras addressed to the Minister for Foreign Affairs of Nicaragua

I have the honour to write to you in order to express the strongest and most vigorous protest by the Government of the Republic of Honduras concerning the announcement by competent authorities of the Government of the Republic of Nicaragua that in the next few months it would auction off hydrocarbons leases throughout the national territory, including the Honduran maritime areas to which Nicaragua has formally laid claim following the filing of its complaint with the International Court of Justice on 8 December 1999.

In this connection, I should like to inform you, first, that the rule of conduct to which the Government of the Republic of Honduras adheres is to invoke its arguments and evidence before the competent international courts in which it litigates, and not to discuss judicial actions in means of communication.

In view of the campaign by competent authorities of the Government of Nicaragua to divulge information, for unknown purposes, the Government of the Republic of Honduras places on the historical record the following facts:

1. The Honduran maritime areas located north of the 15th parallel historically have been and continue to be under Honduran sovereignty, control and jurisdiction;

2. In these maritime areas Honduras has, since the 1960s, granted licences for hydrocarbons exploration and exploitation to international companies (including Mobil Oil, Shell Oil, Signal Oil, Chevron Oil, Union Oil, and so on), without generating any protest or reservation during that period on the part of the Government of the Republic of Nicaragua, precisely because Nicaragua recognizes Honduran sovereignty over those areas;

3. In all other areas of administration, Honduras has exercised and exercises governmental authority in this maritime sector;

4. Only the International Court of Justice has competence to change the historical and legal situation of sovereignty and exercise of exclusive governmental authority by Honduras in the aforesaid maritime sector;

5. The Republic of Honduras does not recognize as enforceable de facto actions which the Government of the Republic of Nicaragua has taken or may take outside of the judicial dispute over maritime areas in the Caribbean Sea, which are subject to the decision of the International Court of Justice; and

6. The Government of the Republic of Honduras reserves the right to carry out whatever actions and measures it may deem necessary in the defence and protection of its rights and interests in the aforesaid Honduran maritime areas in the Caribbean Sea, currently claimed by Nicaragua at the International Court of Justice.

(*Signed*) Guillermo **Pérez-Cadalso Arias**
Secretary of State